

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
FUKUSHI HIRAYAMA, ET AL.) : Examiner: Brenda L. Coleman
Application No.: 10/656,129) : Group Art Unit: 1624
Filed: September 8, 2003) :
For: DIAZAPAN DERIVATIVES OR) Confirmation No.: 8648
SALTS THEREOF : December 11, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Sir:

Your petitioner, Astellas Pharma Inc., a corporation duly organized under the laws of Japan, having a principal office at 3-11 Nihonbashi-honcho, 2-chome, Chuou-ku, Tokyo 103-8411, Japan, and duly represented by the undersigned, represents that it is the assignee of the full title and interest in and to the above-identified Application No. 10/656,129, filed September 8, 2003, which is a division of Application No. 10/148,544, filed October 2, 2002, now U.S. Patent No. 6,642,224, as evidenced by the deed of Assignment recorded on October 2, 2002, at Reel 013354, Frame 0547, during prosecution of Application No. 10/148,544, and by a Merger document, recorded on December 5, 2006, at Reel 18584, Frame 0091.

Your petitioner hereby disclaims the terminal part of any patent granted on the above-identified application that would extend beyond the expiration date of the full statutory term of U.S. Patent No. 6,642,224, as presently shortened by any terminal disclaimer, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall

be the same as the legal title to U.S. Patent No. 6,642,224, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

Your petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of U.S. Patent No. 6,642,224, as presently shortened by any terminal disclaimer, in the event that subsequent hereto U.S. Patent No. 6,642,224 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is the subject of any disclaimer under 37 C.F.R. § 1.321(a), has all claims cancelled by a reexamination certificate or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Petitioner's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

/Leonard P Diana/
Leonard P. Diana
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